

MERILYN K. BUXTON  
C. B. SHARPE

IBLA 76-349

Decided March 29, 1976

Appeal from decision of Wyoming State office, Bureau of Land Management, holding that oil and gas lease W 30598 had terminated by operation of law and could not be reinstated.

Affirmed.

1. Oil and Gas Leases: Reinstatement -- Oil and Gas Leases:  
Termination

An oil and gas lease which has terminated by operation of law for failure to pay the annual rental on or before the due date may not be reinstated unless, among other things, payment has been tendered within 20 days of the anniversary date.

APPEARANCES: C. B. Sharpe, pro se.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

C. B. Sharpe appeals from the November 12, 1975, decision of the Wyoming State office, Bureau of Land Management (BLM), denying reinstatement of oil and gas lease W 30598.

The lease was originally issued October 1, 1971. Because of financial difficulties, Sharpe assigned the lease to his daughter in 1972. Once the financial difficulties had passed, he applied for reassignment of the lease to himself in 1975. However, both he and his daughter neglected to pay the annual rental on or before October 1, 1975.

[1] Failure to pay annual rentals on or before the due date of an oil and gas lease will result in the termination of that lease by operation of law. 30 U.S.C. § 188(b) (1970); 43 CFR 3108.2-1(a); Sara Turcsan, 23 IBLA 370 (1976).

Petitions for reinstatement may be considered if, and only if, the payment due is paid or tendered within 20 days of the anniversary date. 30 U.S.C. § 188(c) (1970); 43 CFR 3108.2-1(c). The Wyoming State office, BLM, found that appellant did not send the payment until at least 28 days after it was due. Appellant does not dispute that finding. Therefore, this Department is precluded by law from giving favorable treatment to appellant's petition for reinstatement. Aaron V. Barson, 18 IBLA 156 (1974); Amoco Production Co., 16 IBLA 215 (1974); Texas Eastern Transmission Corp., 14 IBLA 361 (1974); W. R. Murfin, 13 IBLA 97 (1973).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Edward W. Stuebing  
Administrative Judge

We concur:

Joan B. Thompson  
Administrative Judge

Frederick Fishman  
Administrative Judge

